THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 23448 of 2000

DATED: 29.09.2005

Between

Shaik Meera Saheb s/o Dariya Saheb, aged 25 years, R/o Vellala Cheruvu village, Santhamoguluru mandal, Prakasam District.

…Petitioner

And

Sri Venkateswara Rao s/o not known, aged 40 years, occ: Sub Inspector of Police,Santhamoguluru police station, Prakasam District and 2 others.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 23488 of 2000

O R D E R

This writ petition is filed seeking a writ of Mandamus to declare the action of the first respondent in coercing the petitioner for his signatures on the bail bonds with an ante date in connection with Crime No. 41 of 2000 of Santhamoguluru police station, Prakasam District, as illegal.

It is the case of the petitioner that he was taken into custody in connection with the investigation in Crime No. 41 of 2000 which was registered for the offence punishable under Sections 144 and 506 of Indian Penal Code, on 01.10.2000 and was detained up to 19.10.2000. It is the further case of the petitioner that though he was illegally detained, the respondents are insisting to sign the bail bonds with ante date.

In the counter-affidavit filed on behalf of the respondents, it is stated that the second respondent in the writ petition has lodged a complaint on 01.10.2000 against the petitioner and four others and basing on the said complaint, a case was registered in Crime No. 41 of 2000 for the offence punishable under Section 144 and 506 IPC and investigation was made. It is stated in the investigation that the petitioner and four others participated in the offence and statements were recorded to that effect as required under Section 161 of Cr.P.C during the course of investigation. It was further stated that as the offences were bailable, the petitioner was let off on bail. But, however, by mistake he did not sign on the bail bonds, as such, attempt was made to take his signatures afterwards.

Though a detailed counter affidavit is filed, there is no rejoinder controverting the allegations in the counter-affidavit.

It is not in dispute that against the petitioner and four others, a case was registered in Crime No. 41 of 2000 under sec. 144 and 506 IPC and the offence is bailable. The petitioners having availed the bail did not sign on the papers required by executing the necessary bails bonds. The respondents have explained in what circumstances the petitioner has not signed on the bail bonds for which subsequently they tried to rectify their mistake. In that view of the matter, it cannot be said that there was undue coercion for taking signatures on the bail bonds with ante date. Hence, I do not find any ground in this writ petition and the writ petition is devoid of merits.

The writ petition is, accordingly, dismissed. No order as to costs.

R. SUBHASH REDDY,J

29th September, 2005

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